Supreme Court, U. S.
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IN THE

SUPREME COURT OF THE UNITED STATES

1976-77 TERM

NO. 76-1126

THOMAS ROWLAND SHERIDAN,

Petitioner

vs

STATE OF IOWA,

Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF IOWA

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IN THE

SUPREME COURT OF THE UNITED STATES

1966-67 TERM

NO.

THOMAS ROWLAND SHERIDAN,

Petitioner

vs.

STATE OF IOWA,

Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF IOWA

The Petitioner, Thomas Rowland Sheridan, respectfully prays that a writ of certiorari issue to review the judgment and opinion of the Supreme Court of Iowa entered in this proceeding November 17, 1976.

OPINION BELOW

The opinion of the Supreme Court of Iowa has been published at 247 N.W. 2d 232 (1976) and appears as Appendix A.

JURISDICTION

On the 17th day of November, 1976, the Supreme Court of Iowa filed its opinion and Judgment (see Appendix A). Petitioner has filed no motion for a rehearing by the Supreme Court of Iowa,

of the matters respectfully submitted herein, and has neither requested nor received an Order granting an extension of time within which to file a petition for certiorari. The jurisdiction of this Court is invoked under Title 28 U.S.C. §1257 (3).

QUESTION PRESENTED

Were the acts of a police officer who himself prepared and typed the required Magistrate's Endorsement and Findings to the Search Warrant Application containing therein an abstract of his own testimony not yet given upon which the Magistrate did make his determination of probable cause, an unconstitutional violation of Petitioner's Fourth and Fourteenth Amendment right to have the determination of probable cause made by a neutral and detached magistrate.

CONSTITUTIONAL PROVISIONS AND STATUTES

This case involves: Amendments IV and XIV of the Constitution of the United States.

STATEMENT OF THE CASE

Petitioner was convicted in Polk County District Court, State of Iowa, of the crimes of possession of a controlled substance with intent to deliver, Count I (marijuana) and Count II (hashish) in violation of Section 204.401 (1), of the 1973 Code of Iowa, and possession of a controlled substance Count III (lysergic acid dithamide), Count IV (methaqualone) and Count V (amobarbital) in violation of Section 204.401 (3) of the 1973 Code of Iowa. The case was appealed to the Supreme Court of Iowa, where the conviction was affirmed. State v. Sheridan, 247 N.W. 2d, 232 (1976).

The events leading to the trial and conviction of Thomas Rowland Sheridan are as follows:

On February 14, 1975 the Petitioner was arrested following a search of his residence pursuant to a search warrant executed that same day, and placed under the custody of the State of Iowa.

On March 11, 1975 the Polk County Attorney filed an Information against Petitioner, Thomas Rowland Sheridan charging him with possession of a controlled substance with intent to deliver, Count I (marijuana), and Count II (hashish) in violation of Section 204.401 (1) of the 1973 Code of Iowa, and possession of a controlled substance Count III (lysergic acid dithamide) Count IV (methaqualone) and Count V (amobarbital) in violation of Section 204.401 (3), of the 1973 Code of Iowa.

On March 13, 1975 Petitioner was arraigned and pleaded not guilty to all counts.

Petitioner filed a Motion to Suppress and an Amendment to the Motion to Suppress the Search Warrant. At the suppression hearing a police officer testified that he prepared and himself typed both the abstract of the testimony as well as paragraph two of the Magistrate's Endorsement to the Search Warrant Application (R. p. 9, LL 18-23), (The Information, the Magistrate's Endorsement,) and the Search Warrant are set out in Appendix B. He then submitted the Magistrate's Endorsement for the Magistrate's signature.

Petitioner made the following objections to the search warrant:

1. That the warrant for the search of Petitioner's residence and seizure of items therein did not satisfy the requirements of the Fourth Amendment because it was not issued by a "neutral and detached magistrate."

2. That the Magistrate's signature served as a mere "rubber stamp" of the police officer's determination of probable cause.

The motion was overruled on April 25, 1975.

On April 28, 1975, the case proceeded to trial.

On April 29, 1975, the jury returned a verdict of guilty on all counts as charged.

On May 29, 1975, Petitioner was sentenced to a term not to exceed five years at the Men's Reformatory, and on the 29th day of May, 1975, the Petitioner filed a Notice of Appeal.

At the appellate level the defense counsel raised the issue by the assignment of error alleging that the trial court erred in allowing "the policeman to prepare the Magistrate's abstract of testimony, because to do so, is contrary to the principle of an independent, neutral and detached magistrate which is basic to the Fourth Amendment of the United States Constitution."

The Supreme Court of Iowa rejected this assigned error and affirmed the conviction.

REASONS FOR GRANTING THE WRIT

I. IN THIS CASE THE IOWA SUPREME COURT HAS DECIDED A FEDERAL QUESTION OF SUBSTANCE, THAT ALLOWING A POLICEMAN TO HIMSELF PREPARE THE ABSTRACT OF TESTIMONY AND FINDINGS OF ALL PERSONS UPON WHOSE SWORN TESTIMONY HE BELIEVED THE MAGISTRATE WOULD RELY IN MAKING ITS DETERMINATION OF PROBABLE CAUSE IS NOT CONTRARY TO THE PRINCIPLE OF AN INDEPENDENT, NEUTRAL, AND DETACHED MAGISTRATE WHICH IS BASIC TO THE FOURTH AMENDMENT, A QUESTION WHICH HAS NOT BEEN HERETOFORE DETERMINED BY THE SUPREME COURT OF THE UNITED STATES.

II. THAT THIS CASE PRESENTS A SERIOUS QUESTION AS TO THE FUNDAMENTAL FAIRNESS WHICH SHOULD BE AFFORDED A DEFENDANT IN THAT THE PROCEDURE WHEREIN A POLICE OFFICER HIMSELF PREPARED THE ABSTRACT OF THE WITNESSES TESTIMONY UPON WHICH HE DETERMINED THE MAGISTRATE WOULD FIND PROBABLE CAUSE FOR THE ISSUANCE OF THE SEARCH WARRANT FOLLOWED THEREAFTER BY THE MAGISTRATE'S SIGNATURE, UNDERMINED THE PRINCIPLE OF AN INDEPENDENT JUDICIARY AS REQUIRED BY THE FOURTH AMENDMENT.

A review of the decisions of the Supreme Court of the United States indicates that the question presented in this Petition for Writ of Certiorari has yet to be decided.

The police officer in this case admitted that he prepared and typed paragraph two of the Magistrate's Endorsement to the Search

Warrant Application as well as the abstract of the witnesses' testimony upon which he believed the Magistrate would rely in making its determination of probable cause. He further testified that he submitted his Magistrate's Endorsement to the Magistrate for signature.

This usurpation of a judicial function by a police officer makes a mockery of the principle of independent judicial function contrary to the Fourth Amendment and amounts to a process whereby the Magistrate's signature becomes a mere "rubber stamp." Such "rubber stamp" procedure was expressly disapproved of by this Court in Aquilar v. Texas, 378 U.S. 108 (1964). Aquilar expresses the long standing principle that probable cause must always be determined by a "neutral and detached" Magistrate and not by "officers engaged in the competitive enterprise of ferreting out crime."

This procedure eliminates an independent judicial officer between the police and the private citizen. Preference in the law is accorded to the informed and deliberate determination of a Magistrates empowered to issue warrants, not to the hurried action of police officers, who happen to make arrests. "Policemen acting like judges cannot be asked to maintain the requisite neutrality." Coolidge v. New Hampshire, 403 U.S. 443 (1971).

The Magistrate was presented with his own findings of probable cause before he even heard the witnesses' testimony. The police officer's abstract of testimony taints the finding of probable cause, the issuance of the warrant, and the endorsement. Therefore

any evidence seized should have been excluded.

This court in Coolidge v. New Hampshire, supra at 454, cited the case of Boyd v. United States, 116 U.S. 616, 635 (1885) when it stated:

> "It may be the obnoxious thing in its mildest and least repulsive form: but illegitimate and unconstitutional practices get their first footing ... by silent approaches and slight deviation from legal modes of procedure. This can be obviated by adherring to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half of their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizens and against stealthy encroachments thereon."

In keeping with the aforementioned principle, courts have sought to safeguard defendants' Fourth Amendment rights by prohibiting minor encroachments. In Coolidge supra at 453, this Court ruled that it is an unconstitutional encroachment upon a defendant's Fourth Amendment rights to allow the Attorney General to issue search warrants, rather than a "neutral and detached magistrate." In the case of DeChamplain v. Lovelace, 510 F. 2d 419, 425 (8th Cir. 1975)

the United States Circuit Court of Appeals held:

> "In civilian courts it has long been the rule that neither an active participant in the prosecution nor the grand jury may be permitted to determine the availability of pre-trial release. The Supreme Court notes with reference to parole revocation that "the officer directly involved in making recommendations cannot always have complete objectivity in evaluating them." Morrissey v. Brewer 403 U.S. 471 (1972).

In the case at bar the Magistrate might have been unduly influenced by the officer's findings of probable cause, therefore the procedure should have been prohibited, as well.

In support of its decision, the Iowa Court cited the following language in the case of United States v. Pike, 523 F. 2d 734, 5th Cir. (1975).

> "Appellant also challenges the local Birmingham procedure whereby a completed search warrant is presented to the Magistrate who then places the submitting officer under oath and conducts an inquiry into the existence or nonexistence of sufficient probable cause to support the particular search. The more typical procedure involves the submission of a sworn affidavit.

> The real difference in a probable cause evaluation made on the basis of factual matters set out in an affidavit or in a completed search warrant is difficult to see. As long as the Magistrate does conduct a meaningfully independent inquiry before affixing his signature, the constitutional standards should be regarded as met. In all events the Magistrate's "determination of probable cause should be paid great deference by reviewing courts." Spinelli v. United States, 393 U.S. 410, (1969); United States v. Hill, 500 F. 2d 315, 319, (5th Cir. 1974); and in the absence of arbitrariness that determination is conclusive. Bastida v. Henderson, 487 F. 2d 860, 863 (5th Cir. 1973); Citing Castle v. United States 287 F. 2d 657 (5th Cir. 1961)."
>
> (Emphasis added)

Neither the Iowa Court nor the Federal Court of Appeals in Pike define the phrase "completed search warrant." There is no indication that the "completed" warrant included a police officer prepared abstract of testimony. Nor is there any indication that an abstract of testimony is even required by "local Birmingham procedure." The Alabama Code requires that the Magistrate make his determination of probable cause based upon evidence in the affidavit or upon oral evidence reduced to writing, and signed by the party making the application, 15 Ala. Code §107 (1940)

(recompiled 1958) (Cum. Supp. 1973). However, assuming arguendo that the officer did prepare an abstract of testimony for the Magistrate's approval, such a procedure would have been unconstitutional.

Noncompliance with the principle of an independent magistrate renders the search unlawful even if probable cause is unquestionably shown. Coolidge v. New Hampshire, 403 U.S. 443, 9 L. E. 2d 564, 91 S.Ct. 2022 (1971). "Whatever else neutrality and detachment might entail it is clear that they require severance and disengagement from authorities of law enforcement." (Emphasis added). Shadwick v. City of Tampa, 407 U.S. 345 at 350 (1972).

CONCLUSION

For these reasons, a writ of certiorari should issue to review the judgment and opinion of the Supreme Court of Iowa.

Respectfully submitted

PHILIP F. MILLER

APPENDIX

APPENDIX A

IN THE SUPREME COURT OF IOWA

STATE OF IOWA,

Appellee,

vs.

THOMAS ROWLAND SHERIDAN,

Appellant

Filed
November 17, 1976

192
58443

Appeal from Polk District Court -- Anthony M. Critelli and Wade Clarke, Judges.

Defendant appeals conviction on five counts of possession and possession with intent to deliver several controlled drug substances. -- AFFIRMED.

Philip F. Miller, of Des Moines, for appellant.

Richard C. Turner, Attorney General, Jim P. Robbins, Assistant Attorney General and Ray A. Fenton, County Attorney, for appellee.

Considered en banc.

MOORE, C. J.

Defendant appeals his conviction and sentence for possession of a controlled substance with intent to deliver, Count I (marijuana) and Count II (hashish) in violation of section 204.401 (1), Code 1973, and possession of a controlled substance

Count III (lysergic Acid Dithamide), Count IV (Methaqualone) and Count V (Amobarbital) in violation of section 204.401 (3), Code 1973.

We affirm.

Defendant-appellant's first two assigned errors assert his pretrial motion to suppress all evidence in regard to search of his Des Moines home and seizure of quantities of the above-named controlled substances should have been sustained. He attacks the validity of the search warrant issued by Magistrate Ben E. Kubby first on procedural grounds and then on grounds of insufficient evidence to establish probable cause.

The evidence taken at defendant's motion to suppress hearing included testimony of police officer Larry Leitzke of the Metropolitan Area Narcotics Squad (M.A.N.S). Leitzke testified defendant had been under surveillance by members of M.A.N.S. prior to February 14, 1975 when he conducted and witnessed a drug purchase at defendant's home through use of an undercover informant. Late that night Leitzke went to Magistrate Kubby's home to obtain a warrant for the search of defendant's home. Prior to appearing before Magistrate Kubby, Officer Leitzke prepared a search warrant and a form for the magistrate's endorsement thereon containing an abstract of evidence to be presented to the magistrate. Leitzke orally testified before Magistrate Kubby to the facts contained in the abstract he had prepared. Thereafter Magistrate Kubby made certain requisite notations in parts of the search warrant (not here involved) and specifically found the information to justify probable cause and thereafter issued

the warrant. The magistrate signed the endorsement thereon containing the prepared abstract of evidence.

I. Defendant first contends the search warrant was invalid on the ground Magistrate Kubby had not performed his required statutory duty because he did not personally prepare the abstract of testimony and acted only as a "rubber stamp" when he endorsed the abstract of evidence. Of course a magistrate must never become a "rubber stamp" for the police. Aquilar v. Texas, 378 U.S. 108, 110, 84 S.Ct. 1509, 1512, 12 L.Ed.2d 723,727.

The requirements for issuance of a search warrant are enumerated in Code section 751.4. It includes:

> "If the magistrate thereafter issues the search warrant, he shall endorse on the application the name and address of all persons upon whose sworn testimony he relied to issue such warrant together with an abstract of such witness' testimony.

District Judge Anthony M. Critelli, who heard defendant's motion to suppress, in his findings and conclusions noted he was not aware of one authority which in "any manner or degree condemns the practice followed herein," He found: "The magistrate's signature at the bottom of the instrument indicates that he approves, accepts, and adopts the prepared instrument and it has the same force and effect as if he had personally prepared same."
We agree.

Our research has led us to only one case dealing with officer-prepared abstracts of testimony in the area of search warrant proceedings. The following footnote is found in United States v. Pike, 5 Cir., 523 F.2d 734, 737-738:

> "Appellant Lee also challenges the local Birmingham procedure whereby a completed search warrant is presented to the magistrate who then places the submitting officer under oath and conducts an inquiry into the existence or nonexistence of sufficient probable cause to support the particular search. The more typical procedure involves the submission of a sworn affidavit. The real difference in a probable cause evaluation made on the basis of factual matters set out in an affidavit or in a completed search warrant is difficult to see. As long as the magistrate does conduct a meaningfully independent inquiry before affixing his signature, the constitutional standards should be regarded as met. In all events, the magistrate's determination of probable cause should be paid great deference by reviewing courts, Spinelli v. United States, 1969, 393 U.S. 410, 419, 89 S.Ct. 584, 591, 21 L.Ed.2d 637; United States v. Hill, 5th Cir. 1974, 500 F.2d 315, 319, and in the absence of arbitrariness, that determination is conclusive, Bastida v. Henderson, 5th Cir. 1973, 487 F.2d 860, 863,

> citing Castle v. United States, 5th Cir. 1961, 287 F.2d 657." (Our emphasis).

II. Defendant-appellant next attacks the validity of the search warrant on the ground of insufficient evidence to establish probable cause for the issuance thereof.

This court in State v. Spier, Iowa, 173 N.W. 2d 854, discussed and analyzed at length the duty of a magistrate in considering and determining probable cause for issuance of a search warrant. The pertinent quotations from pages 858-859 of Spier are:

> "Amendment 4 of the United States Constitution provides: 'The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.' (emphasis supplied).
>
> "To the same effect is section 8, Article I, of the Iowa Constitution.
>
> "It therefore follows a search warrant may issue only upon an adequate showing, under oath or affirmation, of probable cause.
>
> "Touching on that subject the

court said in Brinegar v. United States, 338 U.S. 160, 175, 69 S.Ct. 1302, 1310, 93 L.Ed. 1879: 'In dealing with probable cause, however, as the very name implies, we deal with probabilities. These are not technical; they are the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act. The standard of proof is accordingly correlative to what must be proved.'

"This was later repeated, with approval, in Beck v. State of Ohio, 379 U.S. 89, 91, 85 S.Ct. 223, 226, 13 L.Ed. 2d 142.

"Unquestionably a warrant-issuing magistrate, in determining the matter of probable cause, must judge for himself the persuasiveness of facts relied on by an applicant, mere conclusions being totally inadequate. Giordenello v. United States, 357 U.S. 480, 486, 78 S.Ct. 1245, 1250, 2 L.Ed.2d 1503.

"Thus, a magistrate is required to make an objective determination of the factual situation presented to him on oath or affirmation, mere subjective findings or conclusions of an applicant-officer being insufficient and of no probative value. See Beck v. Ohio, supra, at 379 U.S. 97,85 S.Ct. 229."

More recently in State v. Boer, Iowa 224 N.W. 2d 217, 219, 220, we said:

"Probable cause for issuance of a search warrant exists only when the facts and circumstances presented to the judicial officer are sufficient in themselves to justify the belief of a man of reasonable caution that an offense has been or is being committed. State v. Everett, 214 N.W. 2d 214, 217, (Iowa 1974). It cannot be established unless the issuing officer has sufficient facts, as opposed to mere conclusions, to make his own determination that it exists. State v. Lynch, 197 N.W. 2d 186, 191-192 (Iowa 1972); State v. Salazar, 174 N.W. 2d 453 (Iowa 1970); State v. Spier, 173 N.W. 2d 854 (Iowa 1970); see giordenello v. United States, 357 U.S. 480, 486, 78 S.Ct. 1245, 1250, 2 L.Ed.2d 1503, 1509 (1958) ('The [magistrate] must judge for himself the persuasiveness of the facts relied on by a complaining officer to show probable cause.')."

See also State v. Wright, Iowa, 244 N.W. 2d 319; State v. Rockhold, Iowa, 243 N.W.2d 846; State v. Nelson, Iowa, 234 N.W.2d 368; State v. Drake, Iowa, 224 N.W.2d 476.

As found by Judge Critelli the record clearly shows finding of probable cause for issuance of the search warrant was based on the sworn testimony of Officer Leitzke that he conducted and witnessed a drug purchase at defendant's home a few hours before his appearance before Magistrate Kubby. See State v. Liesche, Iowa, 228 N.W. 2d 44.

Defendant-appellant's argument it was based on reference to an unvouched for informant is unsupported by the record.

AFFIRMED.

APPENDIX B

INFORMATION FOR SEARCH WARRANT

STATE OF IOWA,

Plaintiff

vs.

TOM SHERIDAN
3135 7th Street, Des Moines

I, Larry Leitzke, being first duly sworn on oath, state:

(1) That I am a resident of Polk County, Iowa.

(2) That I have good reason to believe that certain personal property is either being used or held in such a manner or is of such a character as to render it subject to a search warrant. (Check the applicable ground or grounds):

a. Stolen or embezzled property.
x b. Property used as a menas to commit a public offense.
x c. Property in possession of person with intent to commit a public offense, or delivered to another for purpose of concealing it.
d. Property used in a gambling place.

e. Property involved in wagers.
f. Gambling devices.
g. Cigarettes, cigarette papers, and their containers illegally received possessed, kept, stored, or given away.
h. Intoxicating liquors illegally manufactured, sold, kept for sale, owned, or possessed.
x i. Any other property rele ant and material as evidence in a criminal prosecution.

(3) That said property is: Marijuana, a schedule I controlled substance.

(A) DESCRIBED AS: Marijuana, and any and all controll substances held in violation of Chapter 204.401 of the 1973 Code of Iowa.

(B) LOCATED AT OR IN:
1. House number and street: 3135 7th
2. City: Des Moines
3. Apartment Number (if applicable): na
4. Description of any other building or vehicle in which said property is located at this address: na

(C) BELIEVED TO BE IN THE POSSESSION OF: Tom Sheridan.

NAME and detailed PHYSICAL DESCRIPTION of any person to be searched. (If no person is to be searched, mark NONE): NA

(4) That the facts and circumstances which lead me to believe that there is probable cause that a public offense has been committed and that the above described person, premises, place, residence, or vehicle

should be searched for such property are as follows:

A. FACTS OF WHICH I HAVE PERSONAL KNOWLEDGE WITHOUT USING AN INFORMANT:

(a) FACTS: That another narcotics officer has purchase controlled substances from Tom Sheridan at 3135 7th, in the past two and a half months. (a controlled buy by an informant of the narcotics officer).

(b) SOURCE OF FACTS: Narcotics officer.

B. FACTS TOLD TO ME BY AN INFORMANT:

(a) FACTS: That Tom Sheridan sells controlled substances from 3135 7th Street.

(b) HOW INFORMANT LEARNED OF THESE FACTS: That the informant has purchased controlled substances from Tom Sheridan on previous occasions.

(c) DATE THAT INFORMANT LEARNED OF THESE FACTS: 13 Feb. 75

(i) THIS INFORMANT HAS GIVEN RELIABLE INFORMATION ON PREVIOUS OCCASIONS, AS FOLLOWS: Nature of case (s): Drug cases. This informant has taken narcotics officers into persons selling controlled substances and the narcotics officer has purchased controlled substances.

Facts furnished by this informant: That Tom Sheridan sells controlled substances from 3135 7th Street.

Use of these facts in investigation of case (s): That the informant was given money with which to purchase controlled substances. That under a police officer's guidance the informant purchased controlled substances from Tom Sheridan and turned that controlled substance over to the police officer.

Accuracy of this informants facts in case (s): To date, all facts provided by this informant have been accurate.

WHEREFORE, the undersigned applies to a Magistrate of Polk County, Iowa, for a search warrant to be issued and for the described person, premises, place, residence, or vehicle to be searched for said property.

/s/ Larry Leitzke

Subscribed and sworn to before me by Larry Leitzke this 14 day of February, 1975.

/s/ Ben Kubby
Magistrate in and for
Polk County, Iowa

MAGISTRATE'S ENDORSEMENT TO SEARCH WARRANT APPLICATION

(1) The following person gave sworn testimony upon which the undersigned magistrate relied to issue the search warrant:

(a) Larry Leitzke D.M.P.D. MANS Unit.

(b) Abstract of testimony: That this police officer did go with an informant to 3135 7th, the residence of Tom Sheridan. That the informant was given money to purchase controlled substances from Sheridan and did so under a police officer's guidance. That this is the second probable cause buy that has been made from Tom Sheridan in the past two and a half months.

(2) Information supplied to the above peace officer Larry Leitzke by an informant (who need not be named): That controlled substances could be purchased from Tom Sheridan at 3135 7th and in fact were purchased.

(a) This information appears credible because (select the applicable alternative:

____(i) Sworn testimony indicates this informant has given reliable information on previous occasions.

____(ii) Sworn testimony indicates this informant has not been used before but that either the informant appears credible or the information appears credible for the following reasons:

(3) Said information (is) found to justify probable cause.

(4) I do issue the warrant.

/s/ Ben E. Kubby
Magistrate

APPENDIX C

IN THE

SUPREME COURT OF THE UNITED STATES

1966-67 TERM

NO.

THOMAS ROWLAND SHERIDAN,
Petitioner

vs.

STATE OF IOWA,
Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF IOWA

CERTIFICATE OF SERVICE

I, Philip F. Miller, Attorney for the Petitioner, hereby certify that on this ____day of_____,1977, three (3) copies of the Petition for a Writ of Certiorari were mailed, correct postage prepaid, to:

Richard C. Turner
Attorney General of Iowa
State Capitol
Des Moines, Iowa 50319

I further certify that all other parties required to be served have been served.

Philip F. Miller
900 Des Moines Building
Des Moines, Iowa 50309
ATTORNEY FOR PETITIONER

APPENDIX D

IN THE

SUPREME COURT OF THE UNITED STATES

1966-67 TERM

NO.

THOMAS ROWLAND SHERIDAN,

Petitioner

vs.

STATE OF IOWA,

Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF IOWA

APPEARANCE

COMES NOW Philip F. Miller, 900 Des Moines Building, Des Moines, Iowa, 50309, and hereby enters his appearance on behalf of Thomas Rowland Sheridan, Petitioner, in the above case.

Respectfully submitted,

PHILIP F. MILLER
900 Des Moines Building
Des Moines, Iowa 50309